D.B.CRIMINAL MISC. WRIT PETITION NO.2421/2006
Mukesh Kumar Sharma vs. The State of Rajasthan & Anr.

DATE OF ORDER:06.07.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE R.P.VYAS

Mr.J.P.S.Choudhary, Government Advocate

BY THE COURT(PER HON'BLE MR.MATHUR J.)

The petitioner Mukesh Kumar was convicted for offence under Section 8/21 and 9A/25A of the NDPS Act by the judgment of the Special Judge, NDPS Cases, Pratapgarh and sentenced to 15 years rigorous imprisonment. An appeal against the said judgment of conviction and sentence has been dismissed by judgment dated 30th September, 2005. Thus, he is undergoing the sentence in Central Jail, Udaipur. He seeks release on emergency parole with a view to attend his ailing wife.

The petition does not show that the petitioner has approached to the State Government. The power to release a convict on parole exclusively vests with the State Government. The petitioner can approach to this Court against the decision of the State Government in that regard. If such an application is

filed, the same is required to be considered as per the para meters laid down by this Court in State of Rajasthan vs. Mana Singh & Ors. reported in RLW 2003(1) Raj. Page 308.

Consequently, the petition being devoid of merit stands dismissed. The Director General of Prisons may consider the petitioner's application in even of its filing in accordance with the law laid down by this Court in State of Raj. vs. Mana Singh & Ors.(supra).

(R.P.VYAS) J. **(N.N.MATHUR) J.**

BKS/-